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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/880,980	06/13/2001	David M. Rossi	A-69888/RMA	5897

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EXAMINER

ROJAS, OMAR R

ART UNIT PAPER NUMBER

2874

DATE MAILED: 07/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/880,980

Applicant(s)

ROSSI, DAVID M.

Examiner

Omar Rojas

Art Unit

2874

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 and 37-69 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-30, 46, 47, 49-58, 60, 61, and 63-64 is/are allowed.
- 6) ☒ Claim(s) 37-45, 48, 59, 62 and 65-69 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. With regards to the amendment filed on April 14, 2003, all the requested changes to the claims have been entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. **Claims 37-45, 48, 59, and 62 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

Regarding claims 37-45, the phrase "such that the light source" found in line 10 of claim 37 renders claim 37 and its dependent claims indefinite since it is not clear what meaning, if any, the phrase adds to claim 37.

Claims 48 and 59 recite the limitation "a six-axis alignment" in the first line of each claim. There is insufficient antecedent basis for this limitation in the claims.

Claim 62 recites the limitation "said plurality of access slots." There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 65-69 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,631,987 to Lasky et al. (hereinafter "Lasky").

Regarding claims 65-69, Lasky discloses an apparatus to align an optical fiber (5) with a light source (4), comprising:

a fiber holder/annulus (6);

a substantially tubular member (1) having a first end that receives the holder (6) and a second end that receives the light source (4);

wherein said holder (6) is movable along an x- and y-axis (e.g., see Fig. 2 and col. 5, ll. 27-43)

and is rotatable about a longitudinal axis (see col. 6, ll. 27-30);

and wherein the optical fiber may include an angled tip (e.g., see Fig. 6) which is thus makes the end of the optical fiber nonsymmetrical and/or non-circular.

See also columns 3-6.

Allowable Subject Matter

6. Claims 1-30, 46-47, 49-58, 60-61, and 63-64 are allowed.

7. Claim 37 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

8. Claims 38-45, 48, 59, and 62 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

9. The following is a statement of reasons for the indication of allowable subject matter:

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Regarding claims 1-25, 37-45, and 47-55, the prior art does not disclose or suggest, alone or in combinations, a method or apparatus for aligning a light source with an optical fiber having all the recited features including: a tubular interface structure dimensioned to receive a fiber holder, wherein the fiber holder is adjustable within the tubular interface along three perpendicular axes and is also adjustable about the central axis. Such an apparatus is exemplified in Figure 31A of the drawings.

Regarding claims 26-30 and 56-64, the prior art also does not disclose or suggest an interface structure having a first open end dimensioned to receive a fiber tip holder in a radially extending interference press fit, such that the optical fiber tip is positionable along at least three perpendicular axes. Such an interface structure is exemplified in Figure 18 of the drawings.

Regarding claim 46, the prior art also does not disclose or suggest an apparatus for actively aligning an optical fiber comprising all the recited features including: a fiber holder having a substantially spherical portion which can be received in a tubular interface in a interference press fit such that the fiber holder can be adjusted relative to the X and Y axes.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omar Rojas whose telephone number is (703) 305-8528 and whose e-mail address is *omar.rojas@uspto.gov*. The examiner can normally be reached on Monday-Friday (7:00AM-3:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hemang Sanghavi, can be reached on (703) 305-3484. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7722 for regular communications. The examiner's personal work fax number is (703) 746-4751.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

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Omar Rojas
Patent Examiner
Art Unit 2874

or
June 30, 2003



HEMANG SANGHAVI
PRIMARY EXAMINER